No.

Supreme Court, U.S.
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IN THE SUPREME COURT OF THE UNITED STATES

DIANE GRANT-BOESEN,
PETITIONER

v.

VIRGINIA EMPLOYMENT COMMISSION
And
TRUST BUILDING SERVICE, INC.
RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

PETITION FOR A WRIT OF CERTIORARI

Ms. Elizbeth B. Peay
Asst. Attorney General
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Richmond, VA. 23219

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Elmhurst, Illinois 60126
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QUESTIONS PRESENTED FOR REVIEW

1. Whether the Petitioner suffered racial discrimination under the 14th Amendments of the U.S. Constitution by a state employee with the Virginia Employment Commission.

2. Whether the Petitioner's 14th Amendment of the U.S. Constitution Due Process Clause was grossly ignored by the Virginia Employment Commission, the Assistant Attorney General, the Circuit Court of Alexandria Virginia, Court of Appeals of Virginia and the Supreme Court of Virginia.

3. Whether the Virginia Employment Commission, the Assistant Attorney General, the Circuit Court of Alexandria, the Court of Appeals of Virginia and the Supreme Court of Virginia ignored obvious perjury by the employers noted in the Transcription of April 17, 2008.

LIST OF PARTIES INVOLVED

Ms. Elizabeth B. Peay, Assistant Attorney General
Office of the Attorney
900 East Main Street
Richmond, VA. 23219
(804) 692-0568

Mrs. Norma Turner, Clerk of the Commission
Virginia Employment Commission
Room 126
P.O. Box 1358
(804) 786-4140

Mr. Jerzy Gorzala, President
Conrad's Furniture Gallery
Trust Building Services, Inc.
101 King Street
Alexandria, VA. 22314
(703) 683-2290

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Paragraph (1).....1
Lilly v. Virginia, 527 U.S. 116, 123 (1999)

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New York City Transit Auth. V. Beazer, 440
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New York v. Hill, 528, U.S.100 (2000).....1

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Citizens Bank v. Alafabco, Inc. v. Virginia,
539, U.S. 52, 58 (2003)

JURISDICTION

The Circuit Court of Alexandria Virginia
Record No. CL 08003627
Judicial Review; Hearing on January 10, 2009
Order Entered: February 12, 2009

Court of Appeals of Virginia
Record No. 0469-09-4
Opening Brief
Unpublished Opinion
Entered: January 12, 2010

Supreme Court of Virginia
Record No. 100408
Petition for Appeal
Entered: May 5, 2010

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Code Annotated Title 18 Crimes and Procedures 1361-1760 Section 1621 Page 394 (1) (2)

Constitution of the U.S. States Fourteenth Amendment Section 2 Page 7

United States Code of Annotated 42 Section 1981-1983 Page 388 Section 1983

Racial Discrimination deprivation of Constitutional or statutory rights Gen'l 1320-1331

STATEMENT OF THE CASE

Pursuant to Supreme Court Rule 29.6, the Petitioner states as follows.

On August 5, 2008, the Petitioner was before the Special Examiner Lisa J. Rowley of the Virginia Employment Commission. The purpose of the hearing was to Review the Record and to present Oral Argument; to include review of the Record of Transcription which took place at the hearing of April 17, 2008 before the lst Level Appeal Examiner, Ms. K. Williams.

Midway through the hearing of May 5, 2008, at approximately 11:30 A.M. Mrs. Lisa J. Rowley made a direct racial slur at the Petitioner stating that: "*We do not give unemployment benefits to Spics.*" The Petitioner told Ms. Rowley that she would place a complaint regarding her comment to the Commission. Ms. Rowley responded that "*It will be your word against mine and you will not be believed.*"

The Petitioner called the Virginia Employment Commission and spoke with Mrs. Norma Turner, Clerk of the Commission regarding Mrs. Rowley racial comments. The Petitioner is yet to hear from the Commission.

These flagrant comments from the Special Examiner, Ms. Lisa J. Rowley was egregious, cruel, malicious and discriminatory.

For the record, during the proceedings of August 5, 2008, a phonographically recorder was present. The Transcript of August 5, 2008, does not reflect Mrs. Rowley's racial-discriminatory comments. It is apparent that Ms. Rowley's comments were erased from the tape recording due to the fact, that Mrs. Rowley statements were not present in the Transcript of August 5, 2009, which does constitute obstruction of justice.

On February 10, 2009, the above racial comments by Mrs. Rowley were mention during the Judicial Review of the Records in the Circuit Court of Alexandria. But there was no mention of this situation from the presiding Judge nor in his letter of Opinion entered on January 12, 2009, and nor was this matter addressed by Assistant Attorney General, Ms. Elizabeth B. Peay during the hearing.

On May 17, 2009, the Petitioner filed her Opening Brief to the Court of Appeals in Richmond, Virginia. On page 14, of said document, the Petitioner states Mrs. Rowley's racial comments. But the Appeal Court did not address this matter in their decision of January 12, 2010

On March 1, 2010 the Petitioner filed her Petition for Appeal before the Supreme Court of Virginia in Richmond. On page 38, of said document the Petitioner states Mrs. Rowley's racial comments. And, again Supreme Court of Virginia did not address this matter in their Order of May 5, 2010.

For some reason unbeknown to the Petitioner, all of the three lower courts and the Virginia Employment and the Attorney General's Office did not address the discriminations remarks made by Mrs. Lisa J. Rowley.

And, Mrs. Lisa J. Rowley stated to the Petitioner On August 5, 2009, that *"The state does not have the funds to pay for unemployment benefits."* This statement by Mrs. Rowley gave the Petitioner the impression that the state of Virginia has misappropriated funds for unemployment benefits. And that there may be others seeking benefits in the State of Virginia who have been deprived of unemployment benefits due to misappropriate of funds. Therefore, it does beg the question as to where are the funds? And, where were they placed. The funds are apparently not given to those seeking unemployment benefits from the state.

Again, these remarks by Mrs. Rowley were not on the Transcript of August 5, 2008, i.e. removed/erased. .

During the hearing of August 5, 2009, held by the Special Examiner, Ms. Lisa J. Rowley, the Petitioner stated in her oral argument that there were numerous perjury statements by the employer Mr. Jerzy Gorzala in the Transcript of April 17, 2008. For the record, Ms. Rowley made no mention of this matter in her decision of August 29, 2008.

In respect to the perjury committed by the Petitioner's employer, Ms. K. Williams, 1st Level Appeals Examiner with the Virginia Employment Commission, Ms. Rowley, Special Examiner with the Virginia Employment Commission and the three lower courts completely ignored the perjury statements by the employers. And, it is apparent that these perjury statements by the employer were not part of the decision making process, due to the fact that it was not mention in any documentation submitted to the record.

Let it be known, that the employers were sworn under to Oath by the state officials of Virginia.

REASON FOR GRANTING THE PETITION

Due process was not served in this case due to the fact, that, the Virginia Employment Commission, the Circuit Court of Alexandria in Virginia, the Court of Appeals in Richmond, Virginia and the Supreme Court in Richmond Virginia ignored perjury statements on the part of the employers.

And, there was discrimination on the part of the state official Ms. Lisa J. Rowley employed with the Virginia Employment Commission- when she slapped the Petitioner with a racial remark during the hearing of August 5, 2008, therefore, the Petitioner is citing discrimination on the part of Mrs. Rowley and that of her decision of August 29, 2008, which was racially motivated.

Finally, the issue of perjury on the part of the employers involving Federal Law was not solved nor addressed by the three lower Courts in Virginia, nor address by the Assistant Attorney in Virginia and totally ignored by the Virginia Employment Commission.

In closing, there is Federal Law violation in this case and there is gross lacks due process of law.

CONCLUSION

The Petition for a Writ of Certiorari should be granted on the grounds that there are numerous Federal Law issues in this case that have remained unresolved.

And, the Petitioner should be granted the right to proceed with her Opening Brief before the Supreme Court of the United States, in, which Court the Petitioner is seeking justice.

Respectfully submitted,

Diane Grant-Boesen

Date: 12-14-2010

APPENDIX

Circuit Court of Alexandria-Decision
Review of February 10, 2009
Entered: February 12, 2009

Court of Appeals of Virginia
Unpublished Opinion
Entered: January 12, 2010

The Supreme Court of Virginia-Decision
Entered: May 5, 2010

VIRGINIA:

IN THE CIRCUIT COURT OF THE
CITY OF ALEXANDRIA

DIANE GRANT-BOESEN,
PETITIONER

v. CASE NO. CL08003627

VIRGINIA EMPLOYMENT COMMISSION
AND
TRUST BUILDING SERVICES, INC.M,
RESPONDENTS

ORDER

This cause comes before the Court this day upon a Petition for Judicial Review of the Virginia Employment Commission ("Commission") Commission Decision No. 84186-C and the Commission Answer filed in response thereto.

Having considered the authorities and arguments of counsel, and having review the record before the Court, the Court is of the opinion and it is hereby ADJUGED and ORDER that the Commission Decision No. 84186C has become final+ and is hereby AFFIRMED and that the Petition filed in this matter is DISMISSED with prejudice and this matter be and hereby is ORDERED stricken from the docket. The Clerk is requested to send certified copies of this order to counsel of record.

IT IS SO ORDERED.

ENTERED this 12 day of February, 2009

Judge Donald M. Haddock

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Powell and
Sr. Judge Clements

DIANE GRANT-BOESEN

MEMORANDUM*
OPINION PER CURIAM
JANUARY 12, 2010

v. Record No 0469-09-4

VIRGINIA EMPLOYMENT COMMISSION
AND
TRUST BUILDING SERVICES, INC.

FROM THE CIRCUIT COURT OF THE
CITY OF ALEXANDRIA
Donald M. haddock, Judge

(Diane Grant-Boesen, Pro se, on Briefs) 1

(Williams C. Mims, Attorney General;
Elizabeth B. Peay Asst Attorney General,
On Brief), for Appelle Virginia Employment
Commission

No Brief from Appelle Trust Building Services, Inc.

Diane Grant-Boesen appeals the decision by the Circuit Court affirming a decision by the Virginia Employment Commission (Commission) disqualifying her for unemployment compensation due to misconduct. We have reviewed the record, the Circuit Court's order, and the Commission's opinion and find that this appeal is without merit. Accordingly, we affirm for the reasons stated by the Commission in its final opinion, see Commission Decision Grant-Boesen v. Trust Bldg. Servs., Inc., 84186-C (Aug. 29, 2008), as affirmed by the Circuit Court, see Grant-Boesen v.

Virginia Employment Comm'n Case No. CL08003627 (Feb. 12, 2009).

We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented in the material before this Court and argument would not aid the decisional process. See Code 17.1-403: Rule 5A:27

*Pursuant to Code 17.1-413, this opinion is not designated for publication.

1 On June 5, 2009, appellant, pro se field a motion to amend opening brief and a motion to file further documents. We deny both Motions

VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA HELD AT THE SUPREME COURT BUILDING IN THE CITY OF RICHMOND

On Wednesday the 5th day of May, 2010

Diane Grant-Boesen, Appellant,

against Record No. 100408
Court of Appeals No. 0469-4

Virginia Employment Commission, et al., Appelles.

From the Court of Appeals of Virginia

On April 26, 2010, came the Appellant in proper person, and filed a Motion to amend the Petition for Appeal. On Consideration whereof, the Court denies the Motion.

The Court dismisses the Petition for Appeal filed in the above style case for lack of jurisdiction. Code 17.1-410 (A) and (B)

Justice Mims took no part in the consideration of this case.

A Copy,
Teste:
Patricia L. Harrington, Clerk

By
Deputy Clerk